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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,224	08/02/2000	Alan P. Stevens	GB9-2000-0047-US1	9117

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EXAMINER
HO, ANDY

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 July 2004</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 22-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 22-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No.

DETAILED ACTION

1. This action is in response to the amendment filed 7/21/2004.

2. Claims 1 and 22-25 have been examined and are pending in the application.

Claim Objections

3. Claims 24-25 are objected to because of the following informalities: there are

two "the" (line 14 claim 24; line 14 claim 25). Appropriate corrections are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Klemm U.S Patent No. 6,457,142 in view of Guthrie U.S Patent No. 6,385,661, and

further in view of Doucette U.S Patent No. 6,356,559.

As to claim 1, Klemm teaches an apparatus for providing application execution

data (JAS transmits the thread and target application program status, line 32-33 column

11) to a profiling agent (to the remote manager, lines 33-34 column 11) on a remote

system (remote manager 205 resides on a different machine, line 67 column 11 to line 1

column 12) as requested by said agent (the remote manager request status information

on the target application program, lines 9-11 column 2), wherein a first application (Java

Virtual Machine 208, Fig. 2) generates said application execution data (the thread and

target application program status, line 32-33 column 11) comprising

receiving a request (the remote manager request status information on the target

application program, lines 9-11 column 2) via a network interface (remote manager and

JAS communicate via TCP/IP, line 67 column 11 to line 2 column 12) from the profiling

agent (remote manager, lines 33-34 column 11) for the data (the thread and target

application program status, line 32-33 column 11);

requesting (JVMPI 212 communicates with Java Virtual Machine 208, Gig. 2) the

data (the thread and target application program status, line 32-33 column 11) from the

first application (Java Virtual Machine 208, Fig. 2) via a local interface (JVMJI 212, Fig.

2);

receiving (the events are being notified to the supervisor agent 202 via JVMJI

212, lines 28-30) the data (the thread and target application program status, line 32-33

column 11) from the first application (Java Virtual Machine 208, Fig. 2) via the local

interface (JVMJI 212, Fig. 2);

transmitting the data to the profiling agent (the supervisor agent 202 sends

signals to the remote manager 205, lines 35-45 column 15; JAS transmits the thread

and target application program status to the remote manager, line 32-34 column 11) via

the network interface (remote manager and JAS communicate via TCP/IP, line 67

column 11 to line 2 column 12)

wherein the network interface (TCP/IP, line 67 column 11 to line 2 column 12) allows receipt of controls from the profiling agent (remote manager, lines 33-34 column 11) for controlling the operation of the apparatus (the remote manager initiate target application program supervision actions on its own, lines 9-12 column 2).

Klemm does not explicitly teach exposing all the functionality, and switching between synchronous and asynchronous transmission of the data.

Guthrie teaches a client/server system (Fig. 1) in which a local interface's functionality (interface and methods of subject object 18, lines 10-11 column 4) being exposed to an agent (remote proxy object 22 has an interface and list of methods identical to subject object 22, lines 9-11 column 4) on a remote system (client 14, Fig. 1). It would have been obvious to apply the teachings of Guthrie to the system of Klemm because the agent can communicate with the interface locally.

Doucette teaches a system of data transmitting (Fig. 1) wherein the system can switch from transmitting synchronous packets to transmitting asynchronous packets (lines 9-14 column 11). It would have been obvious to apply the teachings of Doucette to the system of Klemm because this allows the data to be transmitting to the agent within a timely fashion.

As to claim 24, it is a method claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

5. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klemm in view of Guthrie, and further in view of Benson U.S Patent No. 6,202,085.

As to claim 22, Klemm teaches an apparatus for providing application execution

data (JAS transmits the thread and target application program status, line 32-33 column

11) to a profiling agent (to the remote manager, lines 33-34 column 11) on a remote

system (remote manager 205 resides on a different machine, line 67 column 11 to line 1

column 12) as requested by said agent (the remote manager request status information

on the target application program, lines 9-11 column 2), wherein a first application (Java

Virtual Machine 208, Fig. 2) generates said application execution data (the thread and

target application program status, line 32-33 column 11) comprising

receiving a request (the remote manager request status information on the target

application program, lines 9-11 column 2) via a network interface (remote manager and

JAS communicate via TCP/IP, line 67 column 11 to line 2 column 12) from the profiling

agent (remote manager, lines 33-34 column 11) for the data (the thread and target

application program status, line 32-33 column 11);

requesting (JVMPI 212 communicates with Java Virtual Machine 208, Gig. 2) the

data (the thread and target application program status, line 32-33 column 11) from the

first application (Java Virtual Machine 208, Fig. 2) via a local interface (JVMJI 212, Fig.

2);

receiving (the events are being notified to the supervisor agent 202 via JVMJI

212, lines 28-30) the data (the thread and target application program status, line 32-33

column 11) from the first application (Java Virtual Machine 208, Fig. 2) via the local

interface (JVMJI 212, Fig. 2);

transmitting the data to the profiling agent (the supervisor agent 202 sends

signals to the remote manager 205, lines 35-45 column 15; JAS transmits the thread

and target application program status to the remote manager, line 32-34 column 11) via

the network interface (remote manager and JAS communicate via TCP/IP, line 67

column 11 to line 2 column 12)

wherein the network interface (TCP/IP, line 67 column 11 to line 2 column 12)

allows receipt of controls from the profiling agent (remote manager, lines 33-34 column

11) for controlling the operation of the apparatus (the remote manager initiate target

application program supervision actions on its own, lines 9-12 column 2).

Klemm does not explicitly teach exposing all the functionality and two

connections for transmitting data and controls.

Guthrie teaches a client/server system (Fig. 1) in which a local interface's

functionality (interface and methods of subject object 18, lines 10-11 column 4) being

exposed to an agent (remote proxy object 22 has an interface and list of methods

identical to subject object 22, lines 9-11 column 4) on a remote system (client 14, Fig.

1). It would have been obvious to apply the teachings of Guthrie to the system of

Klemm because the agent can communicate with the interface locally.

Benson teaches a system of proving application data (line 7 column 9 to line 53

column 10) having an agent wherein controls and data are being transmitted via two

different connections (36 and 57, Fig. 2). It would have been obvious to apply the

teachings of Benson to the system of Klemm because this allows the data to be

transferred directly, thereby reducing runtime.

As to claim 25, it is a method claim of claim 22. Therefore, it is rejected for the same reasons as claim 22 above.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klemm in view of Doucette, and further in view of Swenson U.S Patent No. 6,574,675.

As to claim 23, Klemm teaches an apparatus for providing application execution data (JAS transmits the thread and target application program status, line 32-33 column 11) to a profiling agent (to the remote manager, lines 33-34 column 11) on a remote system (remote manager 205 resides on a different machine, line 67 column 11 to line 1 column 12) as requested by said agent (the remote manager request status information on the target application program, lines 9-11 column 2), wherein a first application (Java Virtual Machine 208, Fig. 2) generates said application execution data (the thread and target application program status, line 32-33 column 11) comprising

receiving a request (the remote manager request status information on the target application program, lines 9-11 column 2) via a network interface (remote manager and JAS communicate via TCP/IP, line 67 column 11 to line 2 column 12) from the profiling agent (remote manager, lines 33-34 column 11) for the data (the thread and target application program status, line 32-33 column 11), the application execution data comprises events (events, line 11 column 5);

requesting (JVMPI 212 communicates with Java Virtual Machine 208, Gig. 2) the data (the thread and target application program status, line 32-33 column 11) from the

first application (Java Virtual Machine 208, Fig. 2) via a local interface (JVMJI 212, Fig.

2);

receiving (the events are being notified to the supervisor agent 202 via JVMJI

212, lines 28-30) the data (the thread and target application program status, line 32-33

column 11) from the first application (Java Virtual Machine 208, Fig. 2) via the local

interface (JVMJI 212, Fig. 2);

transmitting the data to the profiling agent (the supervisor agent 202 sends

signals to the remote manager 205, lines 35-45 column 15; JAS transmits the thread

and target application program status to the remote manager, line 32-34 column 11) via

the network interface (remote manager and JAS communicate via TCP/IP, line 67

column 11 to line 2 column 12). Klemm does not explicitly teach a buffer and

timestamp.

Doucette teaches a system of data transmitting (Fig. 1) wherein the system can

switch from transmitting synchronous packets to transmitting asynchronous packets

(lines 9-14 column 11) and a buffer for storing the data (synchronous data in buffers,

line 11 column 6). It would have been obvious to apply the teachings of Doucette to the

system of Klemm because this allows the data to be transmitting to the agent within a

timely fashion.

Swenson teaches each event object contains timestamp (lines 29-30 column 10),

the event is synchronous (synchronous communication interface, line 16 column 2) and

switching to synchronous transmission responsive to receipt of a synchronous event

(lines 13-21 column 2). It would have been obvious to apply the teachings of Swenson

to the system of Klemm because this provides the completion time of the sent data;

therefore, the sender of the data would be informed when the transmitted event was

completed.

Response to Arguments

7. Applicant's arguments filed 7/21/2004 have been fully considered but are

moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further

view the previous rejection. The Examiner conducted a further search regarding the

issues mentioned in Applicant's response. Therefore, all arguments regarding the cited

references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to The Thanh Ho whose telephone number is (571) 272-

3762. A voice mail service is also available for this number. The examiner can

normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.

- OFFICAL faxes must be signed and sent to (703) 872 - 9306.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH
January 6, 2005

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